

APPROVED

**TOWN OF WESTFORD**

**BOARD OF SELECTMEN**

**MINUTES**

**DATE:** September 9, 2003

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Christopher Romeo, Robert Jefferies, Allan Loiselle,  
James Silva

**ABSENT:** Dini Healy-Coffin

**OTHERS**

**PRESENT:** Steve Ledoux-Town Manager; Norman Khumalo-  
Assistant Town Manager; Audience Members

**Open Forum**

There was no input from the Board or the audience.

**Continuation of Public Hearing – Wine & Malt License – Seven Island, Inc. – Kolova Market, 228 Littleton Road**

The public hearing was continued from the meeting of August 12, 2003. The Board had asked if site plan review was needed by the Planning Board due to the change in use. Romeo referenced a memo from the Building Commissioner which indicated that site plan review was not required. The Board also had concerns regarding the sale of alcohol and the type of food being sold. Romeo noted that the condominium owners had expressed several concerns as well at the last meeting. Judy Gizara, condominium owner, stated that the Condominium Association has not met with the applicant since the initial meeting and that it is a custom for the condominiums not to sell food or drinks. Shailaja Golikeri, Secretary for Seven Island, Inc., stated that the establishment will be a specialty store selling packaged food, dry goods, home décor items, jewelry and specialty beverages. There will be no food or drink consumed on the premises. The shop will also hold seminars on cooking and home decorating and will provide catering consulting services. Golikeri estimated that the sale of Asian/European beer will be less than 10% of their total sales. Golikeri stated they went before the Condominium

Association some time ago and provided a general idea of the establishment. Golikeri stated that the Condominium Association knew that they would be applying for a malt and wine license. Romeo pointed out that the Condominium Association had a different view of what was presented and did not know about the malt and wine license. Richard Lewis, Condominium Association, representing several condominium owners, stated that the malt and wine license was not mentioned at the meeting with the applicant. Lewis stated that he did not have a problem with the application as it is a permitted use. Gizara was concerned with the overall impact of a beer and wine license on the tenants. Gizara pointed out that some of the tenants are dentists and a dance studio. Gizara stated that the condominiums are supposed to be office condominiums. John Aldrich, Condominium Association, stated that when he bought his unit he was told that it was a professional office building. Aldrich was concerned that the applicant did not mention the beer and wine license at the meeting. Aldrich stated that some of the tenants did not want beer and wine sold on the premises. Lewis pointed out that some of the tenants are retail, i.e., a tile company, eye glass company, limousine company, dance studio, etc. Silva asked Ledoux to provide information regarding the number of available liquor licenses. Jefferies stated that it is not within the Selectmen's authority to restrict uses that are granted in a zone just because the condominium owners are not in favor of the use. Romeo noted that if the license is granted it will run through December 31<sup>st</sup> at which time it would be due for renewal and would provide an opportunity to see how the business is operating. **It was moved by Loiselle, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the malt and wine license for Kolava Market, 288 Littleton Road.**

**Continuation of Public Hearing – Joint Petition from Verizon New England and Mass Electric for Placement of One Pole – Plain Road and Gassett Road – Double Pole Discussion**

The public hearing was continued from the meeting of August 12, 2003 in order for the Board to get information regarding the double pole situation in Westford. Ledoux had invited representatives from Mass Electric, Verizon and Comcast to meet with the Board. Carmine Luongo, Mass Electric and Rick Cologne, Public Affairs for Verizon, were present to discuss the double poles. There was no one present from Comcast. Luongo reported that approximately seven poles have been removed along Depot Street to the J.V. Fletcher Library in the last few weeks. Luongo assured the Board that they would continue to work on the removal of double poles. Jefferies was disappointed that a representative from Comcast was not present. Cologne stated that transfer work is being conducted with Verizon being the last off the poles. Cologne stated that if the Selectmen have a priority area, they will try to work in that area as soon as possible. Ledoux asked for a double pole list indicating which utility is still on the pole. Cologne distributed a status report from the database dated September 9, 2003. Cologne stated that residents with a double pole issue can telephone the Public Affairs Office for Verizon at (617)743-4747. Ledoux will distribute the status report list at the next meeting. **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to close the public hearing. It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the request to place one pole and remove one pole on Plain Road and to place one pole and remove one pole on Gassett Road.** Ledoux to distribute status report for discussion of road and priorities at the next meeting.

### **Petition to Name New Middle School in Honor of Westford's Veterans**

Continued from the August 12, 2003 meeting. William Connell, 25 Keyes Road, presented a petition with 360 names to rename the *Stony Brook School* to the *Veterans Memorial Middle School* as a lasting memorial to honor Westford veterans. Connell stated that the School Committee is reviewing the request. Romeo reported that the School Committee is seeking input from the School Naming Committee before making a decision. Barbara Seavey, 28 Depot Street, read a statement as to why the name *Stony Brook School* is appropriate and should remain unchanged. Elaine McKenna, 58 Newport Drive, offered a compromise of *Veterans Memorial School at Stony Brook*. McKenna asked that Town Meeting decide on the name change. Leslie Thomas, 8A Old Colony Drive, suggested that each playing field at Stony Brook, the housing and future amphitheater be named after the veterans. Connell felt that naming fields was a disservice to the veterans. Steve McKenna, 58 Newport Drive, supported changing the school name as it would be a lesson to the students that veterans fought for their liberty. McKenna felt that naming the fields means nothing for the veterans. Jefferies suggested naming the Town Hall or police station as a memorial to the veterans rather than the school. Robert McCusker, Newport Drive, felt that the school was more appropriate because many of the veterans attended Westford schools. Loiselle stated that if someone does not want to change the name of the school it does not mean a lack of respect for the veterans. Loiselle was in favor of the compromise suggested by Elaine McKenna. Jefferies was in favor of recommending the petition to Town Meeting and amending the name at Town Meeting. **It was moved by Jefferies, seconded by Silva, and VOTED 3 IN FAVOR WITH 1 ABSTAINING (Romeo) and 1 ABSENT (Healy-Coffin), in support of the citizens' petition to name an important building, structure or center after the veterans.** Jefferies was in favor of Veterans' Memorial Town Hall. Silva felt it was relevant at this time to name a school after the veterans. Silva suggested that there may be a compromise regarding the name which should be considered. Loiselle was in support of the veterans bringing the petition to Town Meeting floor and letting the voters decide.

### **Discussion on Pedestrian Safety at Kimball Farms**

Attorney Paul Alphen, representing Kimball Farms, Ed Dumont, General Manager, and Captain Cossette, Westford Police Department, were present. Cossette stated that Kimball Farms pays for police details during the car shows and concerts. Cossette reported that he has been working with Dumont to set up traffic patterns. Cossette stated that crosswalks need to be addressed and suggested electronic signage indicating "*Pedestrian Crosswalk Ahead*" during business hours. Alphen outlined the improvements that have been made. Signage has been installed by Mass Highway regarding the crosswalks, the crosswalks have been repainted and significant lighting has been installed on four poles. Alphen reported that Mass Highway was concerned with the plantings and fencing which was recently completed in keeping with the Route 110 Master Plan. Alphen pointed out that the fence directs the pedestrian traffic to the crosswalk. Dumont stated that he has been dealing with the police during special events. Dumont also stated that the teenagers are directing traffic in the parking lot and not on Route 110. Harriett Rodman, Westford Initiative for Traffic Safety (W.I.T.S.), thanked Robert Welch, Police Chief, for the police details. Rodman stated that the Highway Superintendent recommended flashing lights which could be controlled by Kimball Farms during the busiest times. Alphen stated that Route 110 is a State highway and the State will not allow the installation of flashing lights. Alphen hoped that the Police Department would find that Kimball Farms has made significant improvements. Romeo stated that enforcement has been brought to his attention and

asked the police to provide radar in the area of Kimball Farms. Cossette to speak to the Traffic Officer and work out a schedule for radar.

### **Report from Stepinski Land Acquisition Committee**

Andrea Peraner-Sweet and Leslie Thomas, Co-Chairs, were present to update the Board on the Committee's activities. Peraner-Sweet distributed an information sheet for the Board's review. Peraner-Sweet reported that the Town is looking to purchase the entire parcel which consists of approximately 107 acres of land. The Committee has been approached by the Stepinski Development Team who has evaluated the property to determine the best use and has come up with a commercial water bottling company or sand and gravel operation. Peraner-Sweet also reported that the Committee has filed an application with the Community Preservation Act Committee seeking \$700,000 for the purchase of the property. The Committee has brought in Town Counsel to assist the Committee with the ultimate hope of meeting with the Stepinski Development Team to negotiate a purchase. Peraner-Sweet stated that Trustees of the East Boston Camp site have also approached the Town regarding a possible sale. Peraner-Sweet felt that both sites were very important to the Town. Thomas reported that the Water Department has expended over \$100,000 to get the well approved on the Stepinski land. Thomas pointed out that the Stony Brook aquifer serves all of the Town wells.

### **Selectmen to Consider Gift of Land from Verna Williamson**

Sandy Wilson, Griffin Road, Williamson's daughter, was present. Wilson stated that her mother would like to donate a strip of land (.48 acres) on Acton Road to the Town. Jefferies noted that the State has taken the railroad tracks for the bike trail. Jefferies felt that the land might give the Town some measure of control with the State using the area for access. Loiselle pointed out that the land has no real estate value. **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to recommend to Town Meeting acceptance of this gift of land.**

### **Review of Keyes Corner, LLC Site Plan**

Attorney Douglas Deschenes and Fred Reslow were present. Deschenes reported that the applicant has received site approval from the State authorizing them to move forward to the Zoning Board of Appeals for a comprehensive permit. Deschenes stated that the Selectmen need to review the application. Deschenes outlined the modifications made to the plans based upon several meetings with the Town. There will be 36 units as originally proposed but the layout of the site and designs have changed. Deschenes asked that the applicant be allowed to proceed to the Zoning Board. Khumalo reported that Staff is still interested in discussing improving the elevation of buildings 2 and 3 facing Route 40. Staff continues to be concerned with scaling, massing and variations in elevations in the height of the buildings facing Route 40. Khumalo recommended that prior to the first public hearing with the Zoning Board, the Town bring in Winslow Design (architectural peer review) to review the project and provide input. Deschenes stated that once the design changes stop he will provide an updated pro forma to reflect any cost changes. Jefferies was concerned with the requested waiver from the Board of Health regulations regarding gallons per day (septic) because of the Town's experience with the Route 40 housing. Jefferies was concerned with the site not being able to meet local standards. Deschenes stated that in his experience the septic systems undergo strenuous review by the Board of Health. Deschenes asked for an opportunity to show that they can produce a safe and functioning system within the confines of Title V. Jefferies was also concerned with resale of units and asked for the price of the market

rate units. Reslow stated that the market rate units would be priced below \$250,000. Jefferies was concerned that if the market rate in Westford is higher than \$250,000 buyers will be looking to flip the units and take the profits. Jefferies asked if there was some way to control resale. Deschenes stated that they would look at trying to prohibit the resale of units. Khumalo stated that abutters are concerned with density, the impact of units facing an abutting residence and the impact on a engine repair shop. Loiselle was concerned that the Board did not have an opportunity for a thorough review of the site plan. Loiselle felt it was premature to have Winslow Associates do peer review at this time. Loiselle suggested the applicant come back with a completed site plan with peer review for the Board's review. Jefferies suggested reviewing the site plan at the next meeting. Loiselle recommended addressing the Board's concerns prior to the first Zoning Board of Appeals public hearing. **It was moved by Jefferies, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to allow Keyes Corner Condominium, LLC to proceed with the Comprehensive Permit application conditioned upon peer review by Winslow Associates.**

### **Request to Redeem Foreclosed Property Parcel 30, Map 78, Graniteville Road**

Ledoux referenced a letter from Robert Corey seeking to reclaim property currently being foreclosed due to unpaid taxes. Ledoux also reported that Bill Turner, Conservation Administrator, has indicated that the property could have development issues. Mrs. Corey, 250 Nesmith Street, Lowell, stated that her husband suffered a stroke during the summer and that she has taken over their financial affairs. Corey stated that they have owned the property for over 30 years and hope to pass it down to their two children to possibly build houses. Corey stated that they spoke to Cheryl Accardi, Tax Collector, regarding the back taxes, fees and interest which total approximately \$30,000. Ledoux stated that the Board must make a decision by November 1<sup>st</sup>. Jefferies felt that the taxes have been outstanding for a number of years. Corey believed that a \$10,000 payment was made in 1999. The Board asked to defer this matter until September 23<sup>rd</sup> in order to get additional information from Town Counsel and the Tax Collector.

### **Request for Waiver from Hiring Freeze – Environmental Services Director**

Zac Cataldo, Acting Chairman of the Board of Health, was present seeking a waiver from the hiring freeze to fill the position of Environmental Services Director recently vacated by John Garside. Romeo asked if the Board of Health was still considering consolidation of the positions relative to Environmental Services and Health Services. Cataldo stated that the Board of Health has no interest in consolidation. Cataldo felt that consolidation would actually cost rather than save the Town money. Ledoux offered to meet with the Board of Health to discuss goal setting and review of the structure of the department given the upcoming budget. Cataldo stated that he would bring Ledoux's offer to the Board of Health. Silva agreed with the consolidation to try to save money. Loiselle asked the Board of Health to take a closer look at the consolidation. Loiselle was concerned that a position hired at this time could face a layoff in April. Ledoux to attend the Board of Health meeting on September 22<sup>nd</sup>. This matter was continued to September 23, 2003.

### **Special Town Meeting Review**

Ledoux outlined the final timeline for Special Town Meeting. Ledoux stated that one zoning petition was submitted regarding a commercial/industrial growth management bylaw which needed to be referred to the Planning Board for public hearing. Two non-zoning petition articles were also received.

**It was moved by Loiselle, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to send the zoning petition to the Planning Board for public hearing.**

### **Licenses and Permits**

**One Day Beer & Wine License and Entertainment License – Westford Rotary Club – Blues & Brew Festival – Saturday, September 27, 2003.** Bill Poist, President of the Westford Rotary Club, outlined the fundraising event. **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve both licenses.**

**License for Public Amusement, Non-permanent and Sunday Amusement License, Nashoba Hill Corporation, October 5, 12, 19 & 26, 2003.** Attorney Douglas Deschenes was present for the applicant. Deschenes stated that there are no major changes from the past. **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve.**

**One Day License for Wine Tasting Class at Roudenbush Community Center – September 26, October 17 and 24, November 14 and 21, December 5, 2003.** **It was moved by Jefferies, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve.**

**One Day All Alcoholic License – September 21, 2003, from 1:00-8:00 p.m. – Nabnasset Country Club (outdoors) – Christening Event – It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve.**

**Banner Request – Next Generation Daycare – Event scheduled for November 1<sup>st</sup> – Banner One Week Prior.** Loiselle recused himself as his daughter is an employee of Next Generation Daycare. **It was moved by Jefferies, seconded by Silva, and VOTED 3 IN FAVOR WITH 1 RECUSAL (Loiselle) and 1 ABSENT (Healy-Coffin), to allow the banner for one week provided the fundraiser is for the J.V. Fletcher Library bookmobile.** Ledoux to get a confirmation on the fundraiser.

**Banner Request – Commonwealth Ballet – Event Scheduled for December 5-7, 2003.** Jefferies pointed out that the Board is trying to limit banners to non-profit groups in support of civic organizations. **It was moved by Loiselle, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to deny the request.** Ledoux to provide banner policy to Silva.

**Request to Use Town Common – Carolyn and Jim Clark – Saturday, June 26, 2004 – Wedding Receiving Line – 5:15-6:15 p.m.** **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve.**

**Request to Use Town Common – Valerie Moore – Saturday, October 18<sup>th</sup> – 4:30-5:30 p.m. – For Photographs on the Common after Wedding Ceremony. It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve.**

**Board Reappointments – Cable Advisory Committee**

**It was moved by Loiselle, seconded by Jefferies, and VOTED 3 IN FAVOR WITH 1 ABSTAINING (Silva) and 1 ABSENT (Healy-Coffin), to reappoint Eric Johanssen, Marc Davidson, David Weaver, James Silva and Ken Woods to the Cable Advisory Committee.**

**Franklin Property**

No report at this time.

**Brookside Mill**

Ledoux reported that he will be meeting with Christine Pude, Director of the Housing Authority, Town Counsel, Khumalo, Gerry Boucher and Boucher's Attorney to discuss the ramifications of not getting the total amount of funding from the State. Ledoux also reported that he will be meeting with the engineer regarding the repairs to the dam. Ledoux to update the Board on both matters at the next meeting.

**Minutes**

**July 8, 2003 – Regular Session. It was moved by Jefferies, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the minutes of July 8, 2003 Regular Session.**

**July 8, 2003 – Executive Session. It was moved by Loiselle, seconded by Jefferies, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the minutes of July 8, 2003 Executive Session but NOT release to the public.**

**July 15, 2003 – All Board Meetings. It was moved by Jefferies, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the minutes of July 15, 2003 All Boards Meeting.**

**Board Reports/Updates**

**Highway Garage** – Jefferies reported that construction of the new highway garage is on track. The concerns regarding the contractor seem to be unfounded at this time.

**Affordable Housing Committee Survey** – Romeo stated that the Affordable Housing Committee is seeking input from the Town and collecting data for the housing plan. The housing plan must be approved by DHCD.

**Old Business/New Business**

**Selectmen to Sign Easement for Installation of Poles for Treatment Plant at Abbot School** – Jefferies asked why so many poles were needed and suggested that Mass Electric go underground on this site. Ledoux noted that the easement is on school property and questioned whether the Selectmen's signature was needed. Ledoux to check with Town Counsel.

**MMA 6<sup>th</sup> Annual Conference for Selectmen** – Silva stated that he would like to attend the two day conference scheduled for September 19-20 at a cost of \$180. **It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to authorize the expenditure of \$180 from the Selectmen’s budget.**

### **Correspondence**

9.2 Memo from Steve Ledoux to All Town Departments, Board and Committees re: Capital Planning. Jefferies stated that he would like to see a life cycle statement.

9.4 Letter from the Westford Water Department to the School Committee re: Stony Brook Center Pesticide and Chemical Protection Measures. Jefferies asked Ledoux to send a letter to the School Committee asking the schools to participate as a team effort.

### **Executive Session – Real Estate Negotiations – Hyams Foundation**

Ledoux announced that the executive session would not be needed as the appraisal had not been received. To be addressed at the September 23<sup>rd</sup> meeting.

### **Open Items**

- 9/9-1 Ledoux to distribute status report list re: double poles for discussion at 9/23 meeting of roads and priorities.
- 9/9-2 Board to review site plan at 9/23 meeting re: Keyes Corner LLC.
- 9/9-3 Ledoux to get information from Town Counsel and Tax Collector re: foreclosure – Graniteville Road, Mr. and Mrs. Corey.
- 9/9-4 Ledoux to attend BOH meeting on 9/22 to discuss consolidation of director positions.
- 9/9-5 Board to discuss at 9/23 meeting BOH request for waiver of hiring freeze re: Environmental Services Director.
- 9/9-6 Ledoux to confirm that fundraiser by Next Generation Daycare is for bookmobile.
- 9/9-7 Ledoux to provide banner policy to Silva.
- 9/9-8 Ledoux to provide Brookside Mill update on 9/23.
- 9/9-9 Ledoux to check with Town Counsel re: signing easement for Abbot School Treatment Plant.
- 9/9-10 Ledoux to send letter to School Committee asking schools to participate in team effort re: Stony Brook Center pesticides, etc. per letter from Water Dept. dated 8/5.
- 9/9-11 Ledoux to schedule executive session on 9/23 re: Hyams Foundation Real Estate Negotiations.
- 9/9-12 Ledoux to provide to the Board information re: number of available liquor licenses.

### **Adjournment**

It was moved by Jefferies, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to adjourn the meeting.

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Steve Ledoux, Town Manager

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Christopher Romeo, Chairman